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man. *Nicholas Farwell v. Boston & Worcester R. R.*, 4 Met. 59; and later cases declared a carpenter and a switchman, a laborer and trainmen, fellow servants. *Gilman v. Eastern R. R. Co.*, 10 Allen 233; *Gilshannon v. Stony Brook R. R.*, 10 Cush. 228. And in *Lehigh Valley Coal Co. v. Jones*, 86 Pa. 432, it was said not to be essential that workmen should be engaged in the same particular work to be fellow servants. But *contra* to the rule, in *Toledo, etc., R. R. Co. v. O'Connor*, 77 Ill. 391, a laborer and an engine driver were held not to be fellow servants; and so as to a section man and a foreman, *Union Pacific R. R. Co. v. Erickson*, 41 Neb. 1. In Ohio a conductor and an engineer were declared not to be fellow servants. *Little Miami R. R. Co. v. Stevens*, 20 Ohio 415; and the same conclusion was reached in *Chicago, Milwaukee & St. Paul Ry. Co. v. Ross*, 112 U. S. 377, but under strong dissent.

MASTER AND SERVANT—INJURIES TO SERVANT—ASSUMPTION OF RISK.—LYON V. CHARLESTON & W. C. RY., 58 S. E. 13 (S. C.)—*Held*, where a flagman injured while uncoupling cars under the order of the conductor, which duty was within his employment, he assumed the risk. Gary, A. J., *dissenting.*

An employee cannot recover for an injury resulting from one of the usual risks or hazards connected with the business into which he has entered, and which the law will consider he assumed when undertaking the duties of the position. *Woodworth v. St. Paul M. & M. R. R. Co.* (C. C.) 18 Fed. 282. This rule is practically settled in the U. S. But he may contract to the contrary, *Foster v. Pussey*, 14 Atl. 545. A railroad brakeman assumes all the *ordinary* risks of the employment, *Chicago R. I. & P. Ry. Co. v. Clark*, 108 Ill. 113, but where a master coerces a servant into entering a dangerous employment the servant does not assume the risk, *Wells & French Co. v. Gortorski*, 50 Ill. App. 445. Again, the master may, if he chooses, carry on his business with an old machine rather than a new one, and a threat to discharge a servant unless he will perform the stipulated service, is not coercion, *Sweeny v. Berlin & Jones Envelope Co.*, 101 N. Y. 520. The dissenting opinion on the main case is a very strong one and he bases his opinion on the fact that the distinction between contributory negligence and assumption of risk is not a very shadowy one as the U. S. Supreme Court laid down in *Schlemmer v. Railroad*, 27 Sup. Ct. 407, but distinct and clear.

MASTER AND SERVANT—INJURIES TO THIRD PERSONS—LIABILITY OF MASTER—SAVANNAH ELECTRIC CO. V. WHEELER, ET AL., 58 S. E. 38 (GA.).—*Held*, that allegations that the company knowingly placed in charge of one of its passenger cars a conductor of bad character, who was drunk and armed with a pistol, and that a homicide occurred in the manner indicated in the preceding note, were not demurrable.

NEGLIGENCE—IMPUTED NEGLIGENCE.—DOCTOROFF V. METROPOLITAN ST. RY. CO., 105 N. Y. SUP. 229.—*Held*, that where the servant was riding on a truck, driven by his master at the time of the servant's injury in a collision between the truck and one of defendant's street cars, the negligence of the master, if any, was not imputable to the servant.

In general the concurrent negligence of third parties is no defense. *Getty v. Consolidated Gas Co.*, 96 Md. 683. But in the case of public conveyances in *Thorogood v. Bryan*, 8 C. B. 115, it was said that the plaintiff